IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.30 of 2006
In
Criminal Appeal No.1294 of 2003

Sandesh Dagdu More — Applicant
Vs.
State of Maharashtra — Respondent

Mr.Niranjan Mundargi for applicant.
Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: B.H.MARLAPALLE & SMT.R.S.DALVI,JJ.

February 14, 2006.

P.C.

. Heard Mr.Mundargi, the learned counsel for the applicant who has been convicted and sentenced by the Addl. Sessions Judge at Thane in Sessions Case No.362 of 2001 for the offences punishable under Sections 302 and 498-A of IPC and the said order of conviction and sentence dated 26-8-2003 has been challenged in Criminal Appeal No.1294 of 2003 which is pending before this Court. Hence this application for bail during the pendency of the appeal.

. While considering the arguments advanced across the bar by Mr.Mundargi we have also considered the reasoning set out in the impugned order of conviction and sentence and based on the dying declaration at Exhibits 14 and 17 as well as the post

mortem report at Exhibit 40. On the basis of these documents the trial Court has overruled the defence taken by the applicant that his wife Reshma died an accidental death on account of the kerosene stove having been burst.

. We do not find this to be a fit case for the applicant being released on bail during the pendency of the appeal and, therefore, this application fails.

. The same is hereby rejected.

. The applicant is at liberty to apply for early hearing of the appeal as soon as the paper book is ready. The applicant may submit private paper book which could be certified by the Registry.

(SMT.R.S.DALVI,J.) (B.H.MARLAPALLE,J.)